IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

-

-

WRIT PETITION NO : 18648 of 2005

-

-

Date: 23.08.2005

-

-

-

Between:

K.A. Vishnu, S/o.Sri.Ramulu,

R/o.Gorantla, Guntur District.

PETITIONER

Vs.

The Depot Manager,

A.P.S.R.T.C., Guntur – I Depot,

Hyderabad.

RESPONDENT

ORDER:

This writ petition is filed by the petitioner aggrieved by the impugned order passed by the respondent Corporation imposing a major penalty of withholding of annual increment for a period of one year with cumulative effect, without conducting departmental enquiry.

2. According to the petitioner, he was working as a Conductor in the respondent Corporation. While so, he was charge sheeted on 06.10.1998 for certain cash and ticket irregularities. The petitioner submitted his explanation on 21.10.1998. The respondent, having not satisfied with the said explanation, instead of conducting regular departmental enquiry, passed the impugned order imposing major penalty of withholding of annual increment for a period of one year with cumulative effect. Hence, the petitioner has come up with the present writ petition.

3. Learned counsel for the petitioner contended that the impugned order passed by the respondent is illegal and unsustainable in view of the judgments of this Court as well as the Supreme Court. Hence, sought to set aside the same.

4. The learned Standing Counsel for the respondent Corporation sought to contend

that though the impugned order is not in accordance with law, but, however the petitioner approached this Court after a long lapse of time and apart from that the petitioner has got a remedy of appeal and revision under the APSRTC (CC&A) Regulations.

5. Heard both sides and considered the material available on record.

6. Though the petitioner has got a remedy of appeal and revision, but, however, in view of the fact that the impugned order is illegal and unsustainable, *prima facie,* in the light of the judgments of this Court as well as the Supreme Court, this Court is inclined to consider the matter on merits.

7 . Though, in the normal circumstances, this Court ought to have set aside the matter and remanded the same to the respondent for fresh consideration, but in view of the lapse of more than seven years from the date of the impugned order, this Court is inclined to modify the major punishment into one of minor punishment and accordingly the impugned order is modified restricting the punishment of withholding of annual increment for a period of one year without cumulative effect. However, it is made clear that the benefits, as a result of the modification of the impugned order, shall be effective only from the date of this order and the petitioner is not entitled to claim any benefits for the period prior to the date of the present order.

8. The writ petition is accordingly partly allowed. No order as to costs.

_____

S. Ananda Reddy, J

Date: 23.08.2005

va